

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

WILLIAM D. JONES,	)	
	)	
Petitioner,	)	
vs.	)	Case Number CIV-09-102-C
	)	
WALTER DINWIDDIE,	)	
	)	
Respondent.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Bana Roberts, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered a Report and Recommendation (“R&R”) on July 28, 2009, recommending the Petition be dismissed as untimely. Petitioner has timely objected, and the Court considers the matter *de novo*.

Review of the materials in this case reveals that Petitioner’s claims are clearly untimely. As Judge Roberts noted, the present action was filed well after expiration of the limitations period set forth in 28 U.S.C. § 2244. In his Objection, Petitioner cites several cases which he claims require a different result. However, the cases cited by Petitioner all predate passage of the AEDPA which now governs his claim and sets forth specific requirements regarding the timeliness of a § 2254 petition. The Court finds no error in the determinations made by Judge Roberts and it is clear that Petitioner’s claim is untimely. The Court also notes that Judge Roberts is correct in finding that Petitioner has failed to produce the evidence or argument necessary for application of equitable tolling.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation (Dkt. No. 12) of the Magistrate Judge, and for the reasons announced therein, dismisses this petition for habeas corpus relief. A judgment will enter accordingly.

IT IS SO ORDERED this 25th day of August, 2009.



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ROBIN J. CAUTHRON  
United States District Judge